

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

5:10-cv-6975

## I. (a) PLAINTIFFS

Michael Hall, 937 North 10th Street, Reading, PA 19604

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

Berks

(c) Attorney's (Firm Name, Address, and Telephone Number)

Vicki Piontek, Esquire, 951 Allentown Road, Lansdale, Pa 19446

## DEFENDANTS

10

6975

Diversified Adjustment Service, Inc., 600 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

Anoka County, MN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Unknown

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

 1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity

(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF

DEF

1

Incorporated or Principal Place of Business In This State

PTF

DEF

4

Citizen of Another State

2

2

Incorporated and Principal Place of Business In Another State

5

5

Citizen or Subject of a Foreign Country

3

3

Foreign Nation

6

6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES                                     |
|---|--|---|--|--|
| <input type="checkbox"/> 110 Insurance  | <b>PERSONAL INJURY</b>   | <b>PERSONAL INJURY</b>  | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 310 Airplane                          | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice         | <input type="checkbox"/> 422 Appeal 28 USC 158   | <input type="checkbox"/> 410 Antitrust             |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 315 Airplane Product Liability        | <input type="checkbox"/> 365 Personal Injury - Product Liability        | <input type="checkbox"/> 423 Withdrawal 28 USC 157                                     | <input type="checkbox"/> 430 Banks and Banking     |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 320 Assault, Libel & Slander          | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 430 Commerce  |  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 330 Federal Employers' Liability      | <input type="checkbox"/> 370 Other Fraud                                | <input type="checkbox"/> 440 Deportation   |  |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 340 Marine                            | <input type="checkbox"/> 371 Truth in Lending                           | <input type="checkbox"/> 450 Racketeer Influenced and Corrupt Organizations            |  |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability          | <input type="checkbox"/> 380 Other Personal Property Damage             | <input type="checkbox"/> 460 Consumer Credit   |  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 350 Motor Vehicle                     | <input type="checkbox"/> 385 Property Damage Product Liability          | <input type="checkbox"/> 470 Cable/Sat TV  |  |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 355 Motor Vehicle Product Liability   | <input type="checkbox"/> 390 Other Personal Injury                      | <input type="checkbox"/> 480 Selective Service   |  |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 360 Other Personal Injury             | <input type="checkbox"/> 400 Securities/Commodities/ Exchange           | <input type="checkbox"/> 490 Other Statutory Actions                                   |  |
| <input type="checkbox"/> 195 Contract Product Liability                           |  | <input type="checkbox"/> 410 HIA (1395ft)                               | <input type="checkbox"/> 510 Agricultural  |  |
| <input type="checkbox"/> 196 Franchise  |  | <input type="checkbox"/> 420 Other Food & Drug                          | <input type="checkbox"/> 520 Black Lung (923)  |  |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <b>LABOR</b>  | <input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881               | <input type="checkbox"/> 530 Mandamus & Other      |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                            | <input type="checkbox"/> 710 Fair Labor Standards Act                   | <input type="checkbox"/> 540 Occupational Safety/Health                                |  |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                        | <input type="checkbox"/> 720 Labor/Mgmt. Relations                      | <input type="checkbox"/> 550 Civil Rights  |  |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing/ Accommodations           | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act     | <input type="checkbox"/> 555 Prison Condition  |  |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                           | <input type="checkbox"/> 740 Railway Labor Act                          | <b>FEDERAL TAX SUITS</b>   |  |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 790 Other Labor Litigation                     | <input type="checkbox"/> 861 HIA (1395ft)  |  |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 446 Amer. w/Disabilities - Other      | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act               | <input type="checkbox"/> 862 Black Lung (923)  |  |
|   | <input checked="" type="checkbox"/> 440 Other Civil Rights     | <b>IMMIGRATION</b>  | <input type="checkbox"/> 863 DIWC/DIW (405(g))   |  |
|   |  |   | <input type="checkbox"/> 864 SSID Title XVI  |  |
|   |  |   | <input type="checkbox"/> 865 RSI (405(g))  |  |
|   |  |   | <b>STATE TAX SUITS</b>   |  |
|   |  |   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)                       |  |
|   |  |   | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609                               |  |
|   |  |   | <b>OTHER</b>   |  |
|   |  |   | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |  |
|   |  |   | <input type="checkbox"/> 890 Other Statutory Actions                                   |  |
|   |  |   | <input type="checkbox"/> 891 Agricultural Acts   |  |
|   |  |   | <input type="checkbox"/> 892 Economic Stabilization Act                                |  |
|   |  |   | <input type="checkbox"/> 893 Environmental Matters                                     |  |
|   |  |   | <input type="checkbox"/> 894 Energy Allocation Act                                     |  |
|   |  |   | <input type="checkbox"/> 895 Freedom of Information Act                                |  |
|   |  |   | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |  |
|   |  |   | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |  |

## V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7

Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**15 USC 1692, et. seq., Fair Debt Collection Practices Act (FDCPA)**Brief description of cause:  
**Alleged violation of the FDCPA**

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

7,488.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

NOV 30 2010

DATE

11-22-2010

SIGNATURE OF ATTORNEY OF RECORD

Viki Piontek

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate court.

Address of Plaintiff: 937 North 10th Street, Reading, PA 19604

10 6975

Address of Defendant: 600 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433

Place of Accident, Incident or Transaction: Berks County, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_

Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. Federal Question Cases:

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations

7.  Civil Rights

8.  Habeas Corpus

9.  Securities Act(s) Cases

10.  Social Security Review Cases

11.  All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

- Insurance Contract and Other Contracts
- Airplane Personal Injury
- Assault, Defamation
- Marine Personal Injury
- Motor Vehicle Personal Injury
- Other Personal Injury (Please specify)
- Products Liability
- Products Liability — Asbestos
- All other Diversity Cases

(Please specify)

I, Vicki Piontek,

(Check Appropriate Category)

counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; NA

Relief other than monetary damages is sought. NA

DATE: 11-29-2010

Vicki Piontek

83559

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

NOV 30 2010

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11-29-2010

Vicki Piontek

83559

Attorney-at-Law

Attorney I.D.#

**MAM**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**CASE MANAGEMENT TRACK DESIGNATION FORM**

Michael Hall

v.

Diversified Collection Services



CIVIL ACTION

**10****6975**

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

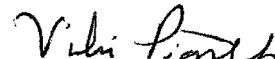
(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

11-22-2010

Date

877-737-8617

TelephoneAttorney-at-law

866-408-6735

FAX NumberPlaintiffAttorney for

palaw@justice.com

E-Mail Address

(Civ. 660) 10/02

NOV 30 2010

**UNITED STATES DISTRICT COURT**  
**For the Eastern District of**  
**Pennsylvania**

Michael Hall

Plaintiff

V.

Defendant

**APPLICATION TO PROCEED  
 WITHOUT PREPAYMENT OF  
 FEES AND AFFIDAVIT**

10 6975

CASE NUMBER:

I, Michael Hall declare that I am the (check appropriate box)

petitioner/plaintiff/movant  other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC '1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?  Yes  No (If No, go to Part 2)

If Yes, state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months= transactions.

2. Are you currently employed?  Yes  No

a. If the answer is Yes, state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is No, state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

Human Assets, Temp Agency, Ken Hurst Blvd, Shillington, PA

\$9.00 per hour for 25 hrs per week. But do not work every week. Only get called once every two weeks, or even less.

3. In the past 12 twelve months have you received any money from any of the following sources?

|   |                              |  |
|---|------------------------------|--|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is Yes, describe, in item 7 on the following page, each source of money and state the amount received and what you expect you will continue to receive.

OAO 240 (Rev. 10/03) DC MODIFIED

4. Do you have **any** cash or checking or savings accounts?  Yes  No  
 If Yes, state the total amount(s). Less than \$200.00

AO 240 Reverse (Rev. 10/03) DC MODIFIED

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?  Yes  No

If Yes, describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. List Minor Children below by initials only and complete attached Reference List for those Minors.

13 year old son

12 year old daughter

7. Additional information (include source descriptions from item 3):

I, Michael Hall declare, under penalty of perjury, that the above information is true and correct.

11-22-10

Date

Michael Hall

Signature of Applicant

**CERTIFICATE**

**(Incarcerated applicants only)**

(To be completed by the institution of incarceration)

I, Michael Hall, certify that the applicant named herein has the sum of \$ \_\_\_\_\_ on account to his/her credit at (name of institution) \_\_\_\_\_. I further certify that the applicant has the following securities to his/her credit: \_\_\_\_\_.

I further certify that in the 6-month period immediately preceding the filing of the complaint/petition/motion or notice of appeal, the average monthly deposits to the prisoner=s account was \$ \_\_\_\_\_, and the average monthly balance in the prisoner=s account was \$ \_\_\_\_\_.

DATE

SIGNATURE OF AUTHORIZED OFFICER